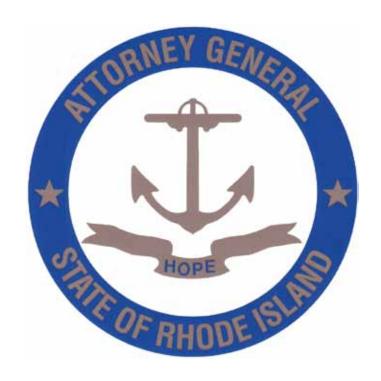
# STATE OF RHODE ISLAND OFFICE OF THE ATTORNEY GENERAL



# PETER F. KILMARTIN ATTORNEY GENERAL

150 SOUTH MAIN STREET PROVIDENCE, RI 02903

(401) 274-4400 www.riag.ri.gov he Attorney General of Rhode Island is the attorney and advocate for the people of the State of Rhode Island. Whether prosecuting a criminal case, defending the state in a civil forum, representing the public in a regulatory function, or serving as advisor, the Office of Attorney General exerts every effort to serve justice and the public interest within the confines of our adversary system.

All employees discharge the privilege and honor of public service in this Office by:

- upholding the Constitution and laws of the United States and of Rhode Island;
- treating all persons with dignity, respect and fairness;
- serving the people of this State with excellence and integrity; and
- protecting the public interest and safety.



To the Citizens of the State of Rhode Island;

I am pleased to present to you the following annual report for the Office of the Attorney General for the calendar year 2010.

This annual report serves to provide a glimpse into the daily activities of the Office of Attorney General. It is chock full of statistics, including the number of criminal cases prosecuted, appeals fought and won, consumer complaints received and rectified, and the amount returned to Rhode Island taxpayers. While the statistics are impressive, they only tell half the story.

When I came into office in January 2011, I was instantly impressed by the level of excellence and professionalism of the attorneys, investigators and support staff. Day in and day out, the staff works tirelessly to bring justice for victims, advocates on behalf of Rhode Island citizens and upholds the laws of this fine state. The staff is always aware of the enormous responsibility they carry on their shoulders. They deserve our thanks and appreciation.

We continue to be mindful of the trying economic time in Rhode Island and throughout our nation. Whether it is through fighting unnecessary rate increases by health insurers and public utility companies, or rooting out Medicaid fraud and abuse, the Office of Attorney General saved, returned, or generated nearly \$116 million for Rhode Island taxpayers, representing a \$5.79 return on investment for every state taxpayer dollar allocated to this office.

It is my pleasure to serve the citizens of Rhode Island as Attorney General. I pledge to continue to build on the excellence of this office and to honor the trust the people of Rhode Island have given me.

Sincerely,

Peter F. Kilmartin

Peter F. Kilmertin

Attorney General

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# **History**

The Office of the Attorney General was first created in Rhode Island in May 1650. Since its inception, the office has been an elected position, except for a brief period from 1740 to 1742 when the charter allowed for the appointment of a King's attorney for each county. The Office of the Attorney General was formally adopted under the Rhode Island State Constitution in 1842.

The Office is established under the Rhode Island Constitution as one of the five general officers subject to election by voters. The powers and duties of the Attorney General are derived from Article IX, Section 12 of the Constitution of the State of Rhode Island; Chapter 9 of Title 42 of the General Laws of Rhode Island, as amended; and the Common Law.

The Office is divided into three distinct divisions: Criminal, Civil and Administration; and four budget programs: Criminal, Civil, General and the Bureau of Criminal Identification.

# **Major Responsibilities**

The Attorney General is the top legal official in Rhode Island. As the state's top prosecutor, the Attorney General fights to enhance the economic security of Rhode Island, protect the public safety of our communities and restore the public trust in state government by taking on corruption.

As the central legal agency of the State, the Office of the Attorney General is responsible for prosecution of all felony criminal cases and misdemeanor appeals, as well as prosecution of misdemeanor cases brought by state law enforcement action in the various district courts.

Additionally, as chief legal officer of the state, the Attorney General represents all agencies, departments and commissions in litigation and initiates legal action where necessary to protect the interests of Rhode Island citizens.

The Office of the Attorney General is also charged with operating and maintaining the State Bureau of Criminal Identification, which is the central repository for all criminal records in the State.

## **Executive and Administrative Divisions**

The Executive and Administrative divisions of the Office of Attorney General consist of the Attorney General, Deputy Attorney General, Chief of Staff, Director of Administration and support staff. The division provides the general management and direction for the Office and implements policies, programs and legislation aimed at keeping Rhode Island communities safe and secure.

#### **Deputy Attorney General**

The Deputy Attorney General serves as the principal advisor to the Attorney General on all legal and administrative matters. The Deputy oversees the development and implementation of policy and serves as liaison between the Attorney General and all department staff and program officials.

#### Director of Administration

The Director of Administration is responsible for the Office's financial operations, including the submission of the annual budget, monitoring and controlling expenditures, and supervising the personnel office, information technology, operations and fiscal office. The Administration Division also oversees the overall finances, prepares and submits the office's annual budget and lobbies for the resources necessary for its efficient operations.

The office's total budget for fiscal year 2010 was \$ 22.3 million. It consisted of \$ 19.6 million, or 87.8 %, in state funding; \$ 1.3 million, or 5.82 %, in federal grants; \$ 1.1 million, or 4.72 %, in restricted receipts; and \$ 369,577, or 1.66 %, in RICAP funding. The Office of Attorney General continues to make it a priority to return as much money to Rhode Island taxpayers as possible by way of restitution, forfeitures, settlements, reimbursements, fines and the collection of fees.

In 2010, the budget provided for 231.1 full-time equivalent positions:

Administration Division	22.0	employees
Criminal Division	150.5	employees
Civil Division	43.6	employees
Bureau of Criminal Identification	15.0	employees

The Office of the Attorney General is committed to maintaining a diverse workforce. As of December 2010, minorities constituted 16% of the staff and women constituted 60%. The department also manages the office's Scholastic Internship Program, in which 291 college-age and high schoolage students participated in 2010. The program is a valuable on-site learning experience for the students as well as a critical resource for the department, whose employees annually log close to 20,000 hours of uncompensated overtime for the people of Rhode Island.

The Fiscal Office assists in the Department's financial operations, including the submission of the annual budget, monitoring and controlling expenditures, processing State paperwork such as travel and invoice vouchers, purchase requisitions, maintenance and service contracts, and all other budget-related transactions. The Fiscal Office also handles payroll submission, accrual and discharge of vacation, sick and personal hours, and payroll adjustments.

The Information Technology Unit is responsible for the purchase, operations, maintenance and repair of computers, phones, faxes, multifunctional machines and other technological equipment for the department including the Providence, Kent, Newport and Washington County offices.

In 2010 the Operations Unit continued to make improvements to the main office in Providence. Security upgrades were made by: improving the security camera system along with the building's card access system, replacing the loading dock and back entrance door, and replacing the exterior lighting.

An engineering firm conducted an evaluation of the current HVAC system and established a plan to replace and upgrade the system, which is original to the building. The bid process was conducted for the installation of a flashing along the top of the building to reduce water penetration. Elevator modernization was completed. Fiber lines and equipment were installed on each floor in preparation of upgrading the infrastructure of the computer wiring system.

#### Policy and Legislation

The Policy and Legislation Unit shapes policies and laws in the contexts of both criminal and civil law. The Unit handles and coordinates all legislative efforts before the Rhode Island General Assembly and serves as the office's liaison to local, state and federal governments. Additionally, the unit serves as the Attorney General's liaison to the National Association of Attorneys General on policy initiatives.

The Unit collaborates with various law enforcement and advocacy groups such as Mothers Against Drunk Driving, Students Against Dangerous Decisions and The Century Council to combat alcohol abuse, drunken driving and underage drinking in Rhode Island. In 2010, the unit served on the Enforcing Underage Drinking Legislation Committee and the Traffic Safety Coalition.

The Unit works closely with the Rhode Island Police Chiefs' Association on legislation and policies that strengthen the protections afforded to the public in several areas. Further, the unit provides consumers with an arbitration forum for alleged violations of the Rhode Island Lemon Law through the department's Motor Vehicle Arbitration Board.

## Significant legislation passed in 2010 An Act Relating to Business and Professions H7597 – Rep. Brian Patrick Kennedy, S2621 – Sen. Joshua Miller

This act amends Title 5, Businesses and Professions, by adding a new chapter that would regulate discount buying clubs. It places contract requirements on discount buying clubs and gives

consumers a three (3) day right of rescission. Discount buying club contracts must be in writing, signed and dated by all contracting parties and must be for a definite time period or state the specific renewal terms. The act prohibits specific acts by discount buying clubs, including, but not limited to, refusing to allow potential customers to inspect merchandise catalogs and price lists.

#### An Act relating to Criminal Procedure – Sentence and Execution

H7923 – Rep. Joseph Almeida, S2646 – Sen. Harold Metts

This Act amends §12-19-19, sentencing on plea of guilty or nolo contendere – deferment of sentence. This legislation provides that after the court determines there has been a successful completion of a deferred sentence, the records relating to that sentence shall be sealed pursuant to §12-1-12, destruction or sealing of records of person acquitted or otherwise exonerated. §12-1-12 provides that individuals with prior felony convictions cannot have their records sealed and those who were issued a deferred sentence in reference to a crime of domestic violence must wait three (3) years from the filing.

# An Act Relating to Property – Conservation and Preservation Restrictions on Real Property

H7247– Rep. Peter Kilmartin, S2592 – Sen. V. Susan Sosnowski

This Act amends §34-39-3, restrictions enforceable, to codify the Attorney General's common law power to enforce private conservation easements that dedicate open space for public benefit. Since the creation of a majority of Rhode Island's private easements, they have been further transferred from the original parties and the likelihood of easement violation has significantly increased. More significantly, as property values have increased, so has the likelihood of violation. A majority of Rhode Island's private land trusts do not have the resources to undertake the litigation to enforce violations of their easements. Without the Attorney General to pursue actions against violators, violations of the conservation easements would go unenforced and the public's interest in open space would be greatly affected.

## **Bureau of Criminal Identification**

The Bureau of Criminal Identification (BCI) serves as the central repository and clearinghouse for all descriptive BCI maintains the criminal history and demographic information on individuals arrested and records of more than 1,000,000 convicted of crimes in Rhode Island. As Rhode Island's individuals. criminal history repository, BCI maintains the criminal

history records of more than 1,000,000 individuals. These records are based on fingerprints containing identification segments obtained by local and state law enforcement agencies that are forwarded to the BCI office by mail or electronic transfer.

BCI utilizes the Integrated Automated Fingerprint Identification System (IAFIS) to transmit fingerprints to the BCI from the local police departments. BCI, in turn, electronically transmits those fingerprints to the FBI, where they are checked against a national database of more than 50 million prints. Ninety nine percent of police departments in Rhode Island electronically transmit fingerprint cards and arrest information directly to the Rhode Island Criminal History (RICH) and the FBI. The system is fully operational and provides law enforcement officers in Rhode Island with a tremendous resource to obtain proper identification and criminal history information in a timely manner.

In December 2010, the FBI stated in a report that Rhode Island's electronic "criminal ten-print submissions" had a turn-around time of 1.23 days with the national average being 13.77 days. They also reported that the electronic "non-criminal, non-federal ten-print submissions had a turnaround time of 2.6 hours.

## Arrest Fingerprint Cards/Dispositions

BCI processes an average of about 946 arrests per week that are populated into the RICH records and updated in real-time.

**37,474** fingerprint cards were electronically and manually submitted from arrests

11,739 civil fingerprint cards were also processed to BCI by local and state law

RIGL §12-1-10 requires Rhode Island law enforcement to promptly furnish the Attorney General's office with fingerprints and descriptions of all persons arrested, excluding those charged with violations of city or town ordinances or similar minor offenses. Fingerprint cards and arrest information are automatically submitted from the 52 Livescan units in service in Rhode Island, covering 99% of the police departments, directly into the Rhode Island Criminal History Records and the FBI.

BCI processes an average of 946 arrests per week that are populated into the RICH records and updated in real-time. In 2010, 37,474 fingerprint cards were electronically and manually submitted from arrests; 11,739 civil fingerprint cards were processed to BCI by local and state law enforcement; and 36 fingerprint cards received by mail were individually examined and manually scanned into the AFIS database.

In order to maintain the complete and accurate tracking of all fingerprint cards received by electronic transfer, members of BCI must continuously monitor the submitted transactions for quality control, verification, consolidation and submission rejections prior to submission to the FBI. Disposition information received from prosecutors at the Attorney General's Office is also entered into the system. In 2010, approximately 23,350 dispositions were entered into the Rhode Island Criminal History records.

#### Pistol and Revolver Permits

RIGL §11-47-18 empowers the Attorney General to issue a license or permit to state residents 21 years of age or older to carry a pistol or revolver, whether concealed or not, upon a proper showing of need. In assessing the need of an applicant to carry a pistol or revolver, the Office also considers the issuance of a restricted permit for specified purposes. In 2010, a total of 1,100 pistol and revolver permit applications were processed, of which 426 were new applications and 674 were renewals. Eighty five percent of the new applications were approved; 98% of the renewal applications were approved. As of December 31, 2010 there are 4,225 active pistol permits in Rhode Island.

#### Restraining Orders/No Contact Orders

Rhode Island law specifies that all domestic violence and sexual assault protective orders must be filed in the Restraining Order/No Contact Order (RONCO) system located within the Attorney General's BCI. Orders generated by District, Superior and Family courts, police departments and bail commissioners must be filed upon issuance by faxing or delivering such orders to the BCI Office no later than the end of the day they were issued. Modifications and terminations of such orders must also be forwarded to BCI and entered by the end of each day. In 2010, BCI staff entered 7,611 temporary restraining orders/restraining orders and no contact orders into the database.

#### Warrant Tracking

Since converting to a paperless warrant system, the courts and police department enter their warrants into the Rhode Island Law Enforcement Telecommunications System (RILETS). Warrants for those wanted outside the State of Rhode Island must be entered and cancelled manually by BCI personnel. On occasion, local warrants must be upgraded as additional information is received on the wanted individual, or the warrant is extended from "RI only" to New England or nationwide. These warrants must be tracked daily. In 2010, BCI was responsible for the arrest of 137 "wanted" individuals who appeared at the BCI window for personal background checks.

#### Criminal Record Requests

One of the major functions of the BCI Unit is to respond to those requesting criminal history checks. Due to increased security measures in both the private and public sectors, the need for The BCI in Providence serves more than 263 people each day, Monday through Friday. In addition, BCI personnel respond to approximately 210,100 requests received annually by mail, fax, and telephone.

employment background checks continues to rise. The BCI window in Providence serves more than 263 people each day, Monday through Friday, and responds to approximately 210,100 requests received annually by mail, fax, and telephone.

#### Nationwide Licensing and Employment Background Checks

In 2010, BCI processed 2,024 health-care/childcare national background checks and 1,951 school applicant checks.

In addition, BCI has taken more than 1,410 fingerprints for other occupations and more than 2,250 criminal and civil prints.

Rhode Island law mandates several fields of employment obtain a nationwide criminal history background check, including healthcare, child care, public and private school employees, and private security guards, among others. Pursuant to the statute, individuals seeking employment or licensing respond to their local or State law enforcement office, where they are fingerprinted.

The cards are then forwarded to the BCI Office, where they are logged by the submitting agency, checked for quality, and forwarded to the FBI.

The FBI conducts a nationwide record check and forwards a report to the BCI Office as well as to the submitting law enforcement agency. During 2010, BCI personnel processed 2,024 health-care/childcare national background checks.

In 2010, BCI has taken more than 1,310 fingerprints for assorted reasons, such as out-of-state brokers, physician and nursing licenses, security guards and immigration. They have also fingerprinted more than 2,250 criminal and civil prints.

#### Latent AFIS System

Latent finger/palm prints are defined as finger/palm prints recovered from crime scenes either by photography, dusting powder, or some type of chemical reaction which allows a finger/palm print to be viewed with the naked eye and compared for identification purposes. In 2010, the Latent Automated Fingerprint Identification System (AFIS) processed 185 cases resulting in 50 positive identifications, representing a 27.02% clearance rate, which is slightly higher than 1 in 4 cases being solved through fingerprint identifications.

#### Sex Offender Registry

As part of the State of Rhode Island's compliance with the Federal Jacob Wetterling Act, Megan's Law and R.I.G.L. § 11-37-1.1, the BCI Unit has responsibilities relating to the Sex Offender Community Notification and Registration process. Part of these responsibilities require electronic connectivity between the Department and the FBI's National Sex Offender Registry to ensure that both BCI and the FBI are properly notified when a sex offender who has served his prison sentence is back living in the community. In 2010, 1,153 individuals registered in Rhode Island. The Sex Offender Registry contains over 1,627 individuals.

#### Precious Metals Unit Background & History

Under Rhode Island General Law, all pawnshops and other dealers of precious metals must provide the Office of the Attorney General with a complete and accurate description of all precious metals that are purchased or pawned, as well as a complete description on the seller.

The Rhode Island Precious Metals and Pawn Database (RIPPD) captures information from sale and pawn transaction records that by law are sent to the Office of Attorney General by precious metals dealers and pawn shops. This RIPPD database is a critical law enforcement tool that aids police in the recovery of stolen jewelry and other precious metals. The growth of access continues to increase as more out-of-state police departments learn about this valuable law enforcement tool, which enables investigators to search by item description, date of transaction, dealers and seller.

At the present time, the database is accessed by all Rhode Island police departments as well as 64 Southeastern Massachusetts police departments, 14 Connecticut police departments and two Federal agencies.

Last year, 43,770 sales and pawn transaction slips containing 153,965 precious metal items were entered into the RIPPD, and as of December 31, 2010, there are 681,120 precious metal items contained in the RIPPD database.

# **Civil Division**

By law, the Attorney General represents the state, its agencies and employees in the Rhode Island Supreme Court and all lower state courts, institutes actions in state and federal courts whenever warranted, ensures that representation is provided to state officers, employees and agencies in all courts, advises state officers and agencies on legal issues, gives written opinions on legal issues when requested by an appropriate governmental officer, and represents the interests of the people.

#### Government Litigation Unit

The Government Litigation Unit represents the State and its agencies in defending and prosecuting State, District, Superior and United States District Court litigation, and in appeals to state and federal appellate courts. It serves as legal advisor to a broad range of state departments, agencies, boards, commissions, officers and employees. In 2010 the Unit opened 887 cases and closed 1,073 cases.

In 2010, the Government Litigation Unit opened 887 cases and closed 1,073 cases.

#### Antitrust Unit

The Antitrust Unit investigates complaints alleging violations of state and federal antitrust laws within the State of Rhode Island. Many matters, because of their complexity and the large amount of anticipated discovery, are investigated by the Attorney General as part of multistate working groups. The Rhode Island Antitrust Act gives the Attorney General the statutory authority to institute lawsuits against persons, corporations and other legal entities that are in violation of state or federal antitrust laws.

The multistate cases active throughout calendar year 2010 included investigations and litigation involving the following companies: the proposed merger of TicketMaster and LiveNation; In re: DRAM antitrust litigation; the proposed merger of Southwest Air Lines and TransAir, among others; and the proposed merger of Continental Airlines and United Airlines. In addition, through the efforts of the Antitrust Unit, a number of vitamin companies agreed to a multistate settlement in the matter of In re: Vitamins II, whereby \$100,000 was distributed, cy pres, to ten qualifying non-profit entities located in Rhode Island.

#### Charitable Trust Unit

The Department of Attorney General has the statutory and common law duty to protect charitable assets within the State of Rhode Island. The Charitable Trust Unit enforces statutes concerning the administration, operation and disposition of Rhode Island charitable trusts. The Unit maintains a publicly accessible database with the financial information of registered charitable trusts. The Unit also responds to inquiries regarding charitable trusts from trustees, accountants, attorneys, charitable beneficiaries and the general public.

#### Consumer Protection Unit

The Consumer Protection Unit investigates and mediates consumer complaints concerning unfair and unlawful business practices and misleading advertising arising out of alleged violations of the Deceptive Trade Practices Act. If groups of people are victimized by a deceptive trade practice, the office may file in the Superior Court a civil investigative demand, which is a formal investigation. In

In 2010, the Consumer Protection Unit responded to:

- 9,073 telephone calls
- 1,720 written complaints
- 506 e-mail inquiries
- 128 walk-ins.

appropriate cases, a lawsuit to stop the illegal business practice may be initiated.

Apart from carrying out its statutory responsibilities, the Unit also provides information and referral services to the general public. Consumers are directed to the appropriate governmental or private agencies for help in answering specialized questions or resolving disputes that are not within the Unit's jurisdiction.

In 2010, the Unit responded to more than 9,073 telephone calls, 1,720 written complaints, 506 e-mail inquiries and 128 walk-ins. The Unit resolved 354 written complaints, and recovered \$179,688.80 on behalf of individual consumers. The Unit referred 756 consumer complaints to other agencies.

The most common complaints received and/or mentioned during 2010 involved general banking and mortgage issues, international lotteries and sweepstakes, debt collection, automobile dealership repairs and landlord/tenant disputes.

As part of the Unit's duties, the unit also registered telemarketers and health clubs resulting in \$8,050 in fees for the state during 2010.

The Unit provided outreach presentations to approximately 139 senior centers throughout Rhode Island in an effort to educate and protect seniors from scam artists. During the historic Spring 2010 floods, the Unit created a tri-fold consumer alert brochure outlining tips for flood victims to educate the public about possible scams and participated in FEMA and RIEMA disaster relief sites.

#### Environmental Advocacy Unit

The Environmental Advocacy Unit continued its community-based mission to protect Rhode Island's environment and the public. The Unit worked on the cleanup of community nuisances, defended historic preservation, intervened to protect the environmental sanctity of Block Island and helped ensure that the federal Clean Air and Clean Water Acts would be enforced.

Moreover, the Unit fought to keep LNG out of Narragansett Bay and to thereby keep recreational boating alive in Rhode Island, assuring access to Narragansett Bay for the millions that enjoy it each year.

The Unit played a leading role, along with Attorneys General from other states, in the successful settlement of several multi-state lawsuits which will reduce air pollution and carbon emission problems that originate from tail pipe emissions.

#### Office of Health Care Advocate

The Office of Health Care Advocate advocates for Rhode Islanders through the following duties that the Attorney General may direct: to appear as an amicus curiae in civil actions, to intervene in or request initiation of administrative action related to health care and health insurance, to investigate complaints to assure the delivery of

In 2010, the Health Care Advocate collected \$45,812,109.97 for calendar year 2010 as part of the 2003 Tobacco Master Settlement Agreement as settlement of State v. Brown & Williamson Tobacco Company, et al.

quality health care, to educate the public, to engage in legislative advocacy, to initiate formal legal actions concerning health care and to advocate for changes to support quality and affordable health care. Many patients, insurers and providers turn to the Office of Health Care Advocate to assist them with health care issues.

The Health Care Advocate sponsors educational programs to help the public and health care professionals learn about issues such as pain management, health care privacy, advance care planning, patients' rights and patient safety.

As of December 31, 2010, the Unit collected total Tobacco Master Settlement Agreement payments in the amount of \$592,017,059.36 (including the amount of \$45,812,109.97 for calendar year 2010) as settlement of State v. Brown & Williamson Tobacco Company, et al., as well as defended the state in a challenge by the Participating Manufacturers concerning the 2003 NPM Adjustment in State v. Brown & Williamson Tobacco Company, et al. and prepared for a nationwide arbitration.

Also, the Unit played a significant role in the Landmark Medical Center Special Mastership to assist the process to find a suitable buyer and to protect the charitable assets of the community hospital.

## Office of Civil Rights Advocate

The Office of Civil Rights Advocate works with the R.I. Commission on Prejudice & Bias to establish an education program for children in middle school and, eventually, high school.

The long-range plan is to educate teachers and administrators, and later students, on issues of hate crime and civil rights in schools. The goal is to make our schools safer and foster education, tolerance and civic responsibility.

Several years ago, the General Assembly created the Office of Civil Rights Advocate within the Office of the Attorney General by enactment of 42-9.3-1 et seq. The duties and responsibilities of the Office include training and education, reviewing complaints and conducting investigations and bringing civil actions under the statute. To file suit, the statute requires use of force or violence, property damage, or the threat thereof, which interferes with

Federal or State constitutional or statutory rights. If such facts and circumstances are present, the Attorney General may bring a civil action in the name of the State on behalf of the person(s) aggrieved, seeking an injunction, monetary penalty up to \$5,000 and other appropriate relief. Over the past few years, where appropriate, the Attorney General has brought several such actions and obtained "civil rights" injunctions to protect persons and property.

In 2010, the Office continued its long-standing Hate Crimes and Civil Rights Training for Law Enforcement. Approximately 170 officers and recruits received training in 2010. This included in-service training for approximately 80 officers from police departments statewide and 90 recruits at police academies.

#### Insurance Advocacy Unit

The Insurance Advocacy Unit's primary function is to represent, protect and advocate the rights of consumers at insurance rate hearings and in the insurance marketplace pursuant to R.I. Gen. Laws § 27-36-1. Many people turn to the Insurance Advocate to assist them with insurance-related issues, such as denials of payment for treatment, access to medical treatments and procedures under their policies of insurance and other rights under their various policies of insurance and Rhode Island laws.

The role of the advocate in connection to rate increase requests for worker's compensation insurance providers and health insurance providers is to independently evaluate the validity of the rate increase requests, and when appropriate, recommend alternative rates to the regulatory agency. During 2010, the Unit represented the rights of Rhode Island citizens in connection with two rate filings before the Department of Business Regulation (DBR) and the Office of Health Insurance Commissioner (OHIC).

The National Council on Compensation Insurance (NCCI) Loss Costs and Rating Values Filing submitted a request to increase overall base premium rates for workers compensation insurance by 0.6%. The Office of Attorney General submitted alternative calculations to those filed by NCCI. After a public hearing, DBR approved a decrease of 0.9%.

In 2010, as a result of efforts by the Insurance Advocacy Unit, Rhode Island citizens and businesses saved approximately \$2.7 million in workers compensation insurance.

Blue Cross and Blue Shield of Rhode Island sought average rate increases of 10.2% for its Direct Pay subscribers, while the Attorney General recommended a increase of 9.5%. After further review, OHIC approved an increase of 6.1%.

The difference in rate increases for worker's comp insurance and that of the approved rate saved ratepayers approximately \$2.7 million, and the difference between the requested and approved rates for health insurance providers saved ratepayers approximately \$2.4 million.

#### **Open Government Unit**

The Open Government Unit investigates complaints against public bodies in Rhode Island for

violations of the Open Meetings Act and/or the Access to Public Records Act. In 2010, the Unit investigated 83 open government complaints and issued 30 findings under the Open Meetings Act and 39 findings under the Access to Public Records Act.

In total, the Unit determined that public bodies violated the Open Meetings Act on 22 occasions and the Access to Public Records Act 26 times. In the majority of these cases, the office issued warnings to the public bodies. In legal counsels, members of public two instances, the Unit filed suit seeking civil (monetary) penalties: against the Albion Fire District for willfully and

The annual Open Government Summit was attended by over 416 bodies and citizens.

knowingly posting insufficient agenda items, and against the Town of Barrington for willfully and knowingly failing to respond to a public records request in a timely manner.

The Unit continues to encourage open government through outreach and education, including hosting the annual Open Government Summit and distributing "The Attorney General's Guide to Open Government," a reference manual relied upon by both newly elected and seasoned members of public bodies, legal counsel and citizens. This proactive approach has positively impacted public bodies and citizens alike by encouraging open dialogue, which enables more government business to be performed in an open and public manner.

#### Public Utilities Regulatory Unit

In 2010, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, municipal water and sewer, generating over \$57 million in savings to Rhode Island ratepayers and consumers.

The Public Utilities Regulatory Unit represents ratepayers and citizens of the State of Rhode Island in all matters affecting the provision of public utility services as defined by Title 39, Ch. 1-5 of the Rhode Island General Laws. Such services include municipal and investor-owned utilities that provide one or more of the following utility services to Rhode Island consumers: electric, gas, water, telephone, sewer and cable; as well as all common carriers: taxis, towers, movers and limousines operating in the state.

The primary vehicle for the Unit's practice is to serve as legal counsel to the Division of Public Utilities and Carriers (the "Division") in proceedings before the Public Utilities Commission. In this capacity, the Unit's attorneys provide legal counsel to the Division with the principal aim of protecting ratepayers from public utilities' efforts to charge unreasonable rates or engage in unreasonable practices. The Unit represents the Division before all state and federal trial and appellate courts of competent jurisdiction.

In 2010, the Unit successfully litigated utility issues on behalf of the Division in the areas of gas, municipal water and sewer, generating over \$57 million in savings to Rhode Island ratepayers and consumers. Proceedings successfully litigated include the defense of one of the largest electric rate cases filed before the Commission in over a decade and the successful defense of two Orders of the Public Utilities Commission before the Rhode Island Supreme Court. In addition, in proceedings before the Division the Attorney General assisted in collecting thousands of dollars in civil fines against taxi, ferry, movers and towing companies for a variety of regulatory violations.

#### Legal Counsel to the Contractors' Registration and Licensing Board (CRLB)

The Office of the Attorney General provides legal counsel to the Contractors' Registration and Licensing Board (CRLB), which is under the aegis of the R.I. Department of Administration. The CRLB regulates the construction industry through registration requirements and conducts administrative hearings for individuals aggrieved by residential contractors. As legal counsel to the board, this office enables residential homeowners to avail themselves of the dispute resolution process at the CRLB in lieu of pursuing a private action in court.

When a contractor fails to pay restitution to a homeowner as ordered by the CRLB, the Office

The CRLB secured court orders for restitution for victims in excess of \$438,000, including a judgment against one contractor for nearly \$200,000 for negligent work and breach of contract.

of Attorney General plays an active role in enforcing compliance to ensure that homeowners have some measure of recourse. Through a cooperative partnership between the Office's Civil and Criminal Divisions, unscrupulous contractors can be criminally prosecuted in District Court. This process has a proven record of restoring money owed to homeowners and of keeping bad contractors from repeating their offenses.

In 2010, the CRLB secured court orders for restitution for victims in excess of \$438,000, including a judgment against one contractor for nearly \$200,000 for negligent work and breach of contract. In addition, the CRLB secured judgment for fines to the state totaling more than \$15,000.

# **Criminal Unit**

The Office of Attorney General is constitutionally charged with the responsibility of prosecuting all felony criminal offenses occurring in the State of Rhode Island, all misdemeanor criminal cases brought by the Rhode Island State Police Department of Environmental Management police officers, and all misdemeanor cases appealed to the Superior Court.

The Criminal Division is comprised of 70 prosecutors and 79 support staff, including paralegals, secretaries, victim advocates, investigators and financial auditors. These individuals work together to assist the Attorney General in fulfilling his Constitutional obligation. Cases are prosecuted by attorneys assigned to the general criminal trial calendar and through specialized units focusing on white-collar crime, narcotics and organized crime, firearms offenses, juvenile offenders, domestic violence, sexual assault, Medicaid fraud, elder abuse and traffic safety.

Intake Unit prosecutors in Providence County review all cases for felony screening and grand jury presentations and negotiate case dispositions through the pre-arraignment calendar. Prosecutors assigned to trial calendars and specialized units focus on trial preparation, handling cases from the pretrial stage through to disposition. A county prosecutor travels to each of the county offices to handle all felony screenings for Kent, Newport and Washington Counties. Statewide Grand Jury presentations are handled by various prosecutors from throughout the Division.

Superior Court Prosecutors are designated to act as liaisons to each of the 44 law enforcement agencies in the State in order to provide legal assistance. During the weekend, prosecutors also rotate coverage to handle violator presentments.

In 2010, the Providence Intake Unit reviewed 4,234 packages for felony charging through both the Providence County Grand Jury (325) and the Information Charging Unit (3,909). Grand Jury presentations in Providence County increased by 74 cases in 2010. The County offices also screened 2,097 felony packages for charging, increasing the amount of reviewed packages by over 100 cases over 2009 (1,995).

Prosecutors disposed of 4,943 cases at the pretrial conference stage of the case, with plea dispositions accounting for 87% of the disposed cases handled throughout the State.

The Division proceeded to file Criminal Informations and Indictments with Superior Courts in 5,543 felony cases, an increase over the previous year by over 300 cases (5,220 in 2009). Prosecutors handled 553 more dispositions of felony cases statewide this year, disposing of 5,410 cases (4,867 in 2009). The Criminal Division handled 251 new misdemeanor

appeal filings (210 in 2009) and also disposed of 265 (201 in 2009) pending misdemeanor appeals in the Superior Courts. Prosecutors handled a total of 109 (69 in 2009) new Applications for Post Conviction Relief, with decisions being reached in 50 (38 in 2009) of those matters in 2010.

Division prosecutors disposed of 4,943 cases at the pretrial conference stage of the case (4,335 in 2009), with plea dispositions accounting for 87% of the disposed cases handled throughout the State. In 2010, Division prosecutors, with the assistance of the White Collar Crime Unit, brought hundreds of financial crimes cases to disposition, with Court-ordered restitution totaling over \$3.5 million to be returned to victims.

During 2010, the Criminal Division brought 96 cases to trial, securing 87 verdicts and convicting 57% of the defendants who opted to have their cases tried before a judge or jury. Of those cases tried, 50 of the defendants were found guilty of their offenses and 37 were found not guilty by a jury of the State's allegations. The jurors in 3 Superior Court trials were unable to reach a verdict and 6 trials resulted in a mistrial.

#### Adult Diversion Unit

The Adult Diversion Unit was established in 1976 as an alternative to prosecution for first-time nonviolent felony offenders. discretion of the Attorney General and does not have 4,165 hours of community service at a statutory basis. It enables qualifying offenders to accept responsibility and to be held accountable for

The Adult Diversion Unit collected The program is based on the \$134,199 in restitution and arranged statewide nonprofit agencies.

their actions while avoiding the stigma of a criminal record. The program offers the opportunity for the offender to earn the dismissal of criminal charge(s) by participating in drug treatment and mental health programs, providing community service at nonprofit agencies and paying restitution to the victims of these crimes.

In 2010, the three members of the Adult Diversion Unit handled 438 referrals, accepted 246 cases and completed 222 cases. A significant accomplishment for 2010 included collection of \$134,199 in restitution. The Adult Diversion Unit arranged 4,165 hours of community service at statewide non-profit agencies, also arranging 176 counseling programs for participants with substance abuse problems, mental health issues and gambling addiction.

### Appellate Unit

The Criminal Appeals Unit is charged with representing the State in all criminal matters before the Rhode Island Supreme Court, defending in the federal courts, and assisting prosecutors with legal research and analysis on a broad array of issues. In carrying out these responsibilities, the members of the Unit five attorneys – work with great diligence and passion to persuade members of the Rhode Island Supreme

The Rhode Island Supreme Court affirmed 30 of 32, or 94% of challenged judgments of convictions/adjudicationsof-delinquency; 7 of 7, or 100%, challenged judgments denying postconviction relief; and 7 of 7 of the other Defendant appealed judgments.

Court and the members of the federal judiciary of the correctness of the State's causes. The Unit's attorneys work equally hard in assisting trial prosecutors with legal issues as they arise during the course of pre-trial and trial litigation, and assisting other attorneys in the Office in research and analysis on a variety of questions of Office concern.

During the 2010 calendar year, the Unit filed with the Rhode Island Supreme Court 59 Pre-Briefing Statements defending state-favorable judgments (of conviction, denying post-conviction relief, of probation violence, etc.) entered in the lower courts (usually the Superior Court). The Unit further submitted to the Rhode Island Supreme Court 21 Full Briefs, defending state-favorable judgments (usually of conviction) entered in the lower courts (usually the Superior Court).

In calendar year 2010, the unit additionally filed with the Rhode Island Supreme Court 27 responsive memoranda in opposition to some defendant-requested extraordinary action. As well, the Criminal Appeals Unit defended against five federal habeas corpus petitions brought in the United States District Court of Appeals for the First Circuit, two briefs in federal habeas corpus cases, a litigation a habeas corpus case in the Supreme Court of the United States. Finally, the Criminal Appeals Unit in Calendar Year 2010 filed pre-briefing statements in three cases in which the Attorney General challenged an unfavorable Superior and/or District Court judgment/determination.

For the 2009/2010 Rhode Island Supreme Court term, the Appellate Unit enjoyed great success. The RISC affirmed 30 of 32 (approximately 94%) challenged judgments of convictions/adjudications-of-delinquency; 7 of 7 (100 percent) challenged judgments denying post-conviction relief; and 7 of 7 (100 percent) of the other Defendant appealed judgments. In federal Habeas Corpus cases litigated in federal District Court for the District of Rhode Island by the Unit, the Unit was successful in every one of the motions to dismiss it filed.

#### Community Prosecution Unit

The Attorney General's Community Prosecution Unit employs traditional and non-traditional prosecution strategies and engages in community outreach and crime-prevention education. The core of the Unit's crime-prevention efforts continues to be the targeting of gang-related violence. In 2010, the Unit took steps to transition its resources to target gang-related violence by refocusing existing relationships with law enforcement to target and infiltrate specific gangs and their structure, working closely with federal and state gang units and task forces. In addition, the community prosecutor continued to work closely with the Providence Police Department Gang Unit in investigating and prosecuting gang-related cases, including 4 unsolved gang-related homicides.

The Unit also continued to operate the District 5 Initiative – an ambitious program that primarily monitors, surveils and jointly prosecutes in both state and federal court known violent offenders and gang members in the City of Providence. The state's prosecutor is cross-designated in federal court to be able to prosecute cases jointly with the US Attorney's Office. In addition, the District 5 Initiative also entails community outreach, mentoring and community meetings as well as the use of the Attorney General's Nuisance Task Force.

#### District Court Unit

The District Courts traditionally are the busiest courts in the judicial system. Statewide, in the 2nd Division (Newport County), 3rd Division (Kent County) and 4th Division (Washington County), District Court prosecutors handled nearly 2,000 additional cases in the form of bail hearings, probation and bail violation hearings, pre-trial conferences and trials.

The District Court Unit in Providence County prosecutes a multitude of criminal matters brought forward in the 6th Division District Court and the Rhode Island Traffic Tribunal (RITT). Every

In 2010, the Providence County District Court Unit handled 1,592 cases. They represented various law enforcement agencies in 342 bail hearings, 559 probation violation hearings, 170 bail violation hearings, 536 pretrial conferences and 101 trials.

day, District Court Unit prosecutors are responsible for conducting bail hearings on Capital cases and enumerated drug delivery offenses, hearings to which any defendant who is held without bail is entitled.

Unit prosecutors also regularly handle cases against defendants accused of violating the terms and conditions of either bail on an existing case or of a pending sentence of probation or suspended time. As

a daily responsibility, Unit prosecutors also handle motions to expunge, motions to reduce and/ or modify bail and bail conditions, motions to vacate no-contact orders, applications for postconviction relief and waivers of information for certain felony offenses.

The Office of Attorney General has exclusive authority to prosecute every charge of breathalyzer refusal brought under Rhode Island General Law §31-27-2.1. The District Court Unit prosecutes all breathalyzer-refusal cases at the RITT. Further, Unit prosecutors handle any appeal of a Tribunal decision both before the Tribunal Appeals panel and subsequently before a Judge of the District Court. In 2010, Unit attorneys made a total of 1,107 pretrial and trial appearances at the RITT.

The District Court Unit prosecutes pre-trial and trial matters brought by various state law enforcement agencies throughout Rhode Island, primarily the Rhode Island State Police. In addition, Unit prosecutors handle all criminal cases referred by the state Contractors Registration and Licensing Board and from the Department of Labor and Training.

#### Domestic Violence and Sexual Assault Unit

In 2010, the Domestic Violence/Sexual Assault Unit (DV/SA Unit) continued its efforts to address crimes of violence committed among family and household members and worked to achieve its primary goals of ensuring victim safety and offender accountability. In addition to handling felony trials and misdemeanor appeals in Superior Court, DV/SA prosecutors handle bail hearings, violation hearings and motions to reduce or set bail. Unit prosecutors also regularly argue against victims' motions to vacate no contact orders (NCOs) against offenders.

DV/SA prosecutors also coordinate, along with participating police departments and the Sexual Assault and Trauma Resource Center, the interviews of adult women who are victims of sexual assault. Additionally, they conduct training sessions for law enforcement officers at local police departments and police academies as well as city and town solicitors statewide. The Unit's attorneys continued to participate in the training of emergency room personnel at local hospitals on the taking of rape kit samples for victims of sexual assault.

After having worked in conjunction with various advocacy groups and local members of law enforcement to apply for and secure monies made available through federally funded stimulus grants, the Domestic Violence/Sexual Assault Unit was able to enhance its efforts in the fight against violent crimes against women by providing additional training for the members of its unit as well as developing an updated database that will allow the unit to better track repeat offenders.

#### Elder Abuse Unit

Established in 2005, the Elder Abuse Unit is responsible for prosecuting all cases against senior citizens, including financial exploitation, physical abuse and neglect, with the exception of those cases handled by the Medicaid Fraud Unit.

In 2010, the Elder Abuse Unit opened a total of 91 Superior Court cases, and as a result of trial or plea agreements, disposed of 91 cases, for a total of 64 years time in ordered sentences and more than \$53,000 in restitution for victims.

#### Juvenile Prosecution Unit

The Juvenile Prosecution Unit prosecutes all juveniles charged with offenses which would be punishable as felonies if committed by an adult. In addition, the Unit also prosecutes all juveniles who are charged by the Rhode Island State Police, State Fire Marshall and the Department of Environmental Management. Also, the Unit is responsible for the prosecution of all juveniles who are charged with violations of probation.

258 juveniles were admitted to the Juvenile Drug Court Program, 225 juveniles were admitted to the Drug Court Diversion Program, and 33 juveniles were admitted to the Post Adjudication track of the program. 221 juveniles graduated from the program, while 20 juveniles were terminated.

This past year proved to be another busy year for the Juvenile Prosecution Unit. The Unit received 1,778 new petitions charging juveniles with criminal offenses. This represents 1,259 new delinquency charges and 1417 wayward charges. Also, during 2010 the unit prosecuted 459 new juvenile offenders. A new juvenile offender is a juvenile not previously prosecuted by the Unit. This number does not include juveniles that the Unit prosecuted in past years or juveniles who re-offend during the current year.

In addition to the prosecution of juvenile offenders, the Juvenile Prosecution Unit also prosecutes adults who commit child abandonment, child neglect, exploitation of a minor and failure to pay child support. In 2010, the Unit prosecuted 11 new adult defendants.

#### Juvenile Drug Court

The Juvenile Drug Court is instrumental in ensuring that juveniles aggressively address substance abuse problems and associated behaviors which could, if not addressed, ultimately lead to further contacts with the Juvenile Court. More specifically, the Diversion Program has addressed substance abuse issues through early intervention and high-level court supervision.

#### Re-Entry Court

Re-Entry Court is a specialized court that monitors and reviews juveniles recently released from the Rhode Island Training School (RITS). Re-Entry Court conducts frequent reviews and closely monitors juveniles upon release from the RITS. The Re-Entry Court meets bi-weekly and reviews approximately six to seven juveniles each session.

#### **Emergency Arraignments**

Emergency Arraignments are arraignments wherein a juvenile has been detained overnight at the RITS with the approval of a Family Court Judge. There were 244 emergency arraignments in 2010. Prosecutors assigned to the Juvenile Unit are charged with the responsibility of conducting these arraignments. Many of these arraignments represent the most serious criminal offenses and/or offenders.

#### Juvenile Detention Alternative Initiative

The Juvenile Unit continues to be actively involved in the Juvenile Detention Alternative Initiative Project. The initiative works towards reducing reliance on secure confinement without sacrificing public safety. One of the goals is to shift spending from detention to community based detention alternatives. In addition, the initiative addresses issues of DMC. Included in the initiative is a working risk assessment tool, a steering committee and the girls work group to address issues specific to the female population at the Rhode Island Training School.

#### Medicaid Fraud & Patient Abuse Unit

In 2010, the Unit returned \$1.87 million to the state's Medicaid program in settlement agreements with pharmaceutical companies.

The Attorney General's Medicaid Fraud Control and Patient Abuse Unit enforces the laws pertaining to fraud in the state Medicaid program and prosecutes cases of abuse, neglect or mistreatment of patients in all state healthcare facilities. The Unit prosecutes

criminal activity, pursues civil remedies where appropriate and participates with federal and state authorities in a variety of inter-agency investigations and administrative proceedings. The Unit's attorneys, auditors, investigators and health care professionals employ a multi-disciplinary approach to combat health care fraud and patient abuse.

The Unit works closely with federal and state authorities to investigate pharmaceutical companies who overbill and de-fraud the state's Medicaid program. In 2010, the Unit returned \$1.87 million to the state's Medicaid program in settlement agreements with pharmaceutical companies.

#### Narcotics & Organized Crime Unit

The Narcotics and Organized Crime Unit (NOCU) had three primary areas of responsibility: investigative management and prosecution of all criminal cases involving narcotics and organized crime offenses, handling all aspects of asset forfeiture and representing the State of Rhode Island in the Providence County Drug Court.

In the area of narcotics prosecution, NOCU is responsible for representing the State in a variety of court proceedings including trials, pre-trials, violation hearings and bail hearings. NOCU's attorneys also are responsible for drafting and editing documents related to the electronic surveillance of targeted offenders, the management and oversight of electronic surveillance investigations, providing legal advice and assistance to police departments, working with law enforcement

In 2010, the Unit disposed of 1,545 drug cases, including 191 drug delivery charges, 341 possession with intent to deliver, and 1,269 drug possession charges.

on investigating narcotics-related activity and presenting narcotics-related investigations to county and statewide grand juries. In 2010, the Unit disposed of 1,545 drug cases, including 191 drug delivery charges, 341 possession with intent to deliver charges, and 1,269 drug possession charges.

NOCU is also responsible for processing all narcotics, gambling and racketeer-related asset forfeiture requests. These forfeiture requests involve money, personal property and/or real estate. Proceeds from the sale of the forfeited

The asset forfeiture team recouped \$956,461 in cash and property to be used for state and local narcotic investigations and drug abuse and prevention programs.

assets represent an important source of financing for the ongoing drug and crime-suppression efforts of the state and local police. In 2010, the asset forfeiture team recouped \$956,461 in cash and property to be used for state and local narcotic investigations and drug abuse and prevention programs.

In addition to prosecuting all organized crime-related cases before trial juries throughout Rhode Island, NOCU works closely with police on both traditional and nontraditional organized crime-related cases. NOCU provides document support and case management on electronic surveillance cases involving alleged organized crime figures and works with police and other members of the criminal justice system to develop cooperating witnesses and confidential informants.

#### Victim Services Unit

In 2010, Victim Services handled approximately 5,089 cases, generated more than 19,000 status notices to victims, accompanied victims to more than 1,800 court proceedings, and made more than 800 referrals to partner organizations.

The Victim Services Unit provides an array of services to felony crime victims and their families. Advocates are assigned to victims and families to provide guidance and support through the criminal justice process, informing them of their rights, notifying them of the status of the offender's case, providing personal assistance at court appearances and helping them better understand and participate

in support groups that can further assist victims with financial, legal, medical and emotional problems resulting from the crime.

In performing these services, the Unit staff works closely with highly traumatized victims and families in homicide, driving death, child molestation, sexual assault, human trafficking and domestic violence cases, as well as other felony cases.

#### White Collar Crime Unit

The White Collar Crime Unit prosecutes any crime that can be committed with a pen, calculator or computer instead of a mask, gun or knife. Larcenies, embezzlements, fraudulent conversions,

obtaining money under false pretenses, forgeries, trademark infringements, mortgage fraud, insurance fraud, computer crimes, identity thefts and others are the Unit's targets.

The White Collar Unit resulted in \$3.5 million in Court-ordered restitution to victims.

In other words, the Unit handles crimes of sophistication, deception and ingenuity rather than fear, violence, or intimidation. The Unit's efforts in 2010 resulted in \$3.5 million in Court-ordered restitution to victims.

In this troubled economy, the prevalence of white-collar crime seems to be rising, and, along with it, the devastation it occasions upon victims. A loss of job and income, an altered standard of living or easy access to nearby casinos are among the factors that can cause what would otherwise be law-abiding people to turn to crime. Often the defendants are in positions of earned trust but, out of desperation, violate that trust and deceive and steal from those with whom they have worked for years. This year it seemed especially true in the legal profession as the Unit prosecuted, convicted and incarcerated a number of members of the bar who stole funds from their clients.

Victims of financial crimes may not endure physical harm or injury but often suffer extreme stress and financial upheaval in their personal and professional lives.

One case in particular dominated much of the time and effort of the Unit. In State v. Chabot, et. al., a multi-million dollar mortgage fraud scheme, 22 people suffered severe damage to their credit and a number of lending institutions suffered millions of dollars in financial loss. Ultimately all four defendants plead guilty, with the mastermind, Peter Chabot, being sentenced to three years in jail and disgorging \$200,000.00 of his ill-gotten gains to the State.

In addition to handling cases in which individuals or businesses were victims, the Unit's three attorneys and one auditor handle public-corruption cases, tax code violations, pension fraud, worker compensation fraud, unemployment compensation fraud, Social Security fraud, obstruction of justice and election law violations in which the country, state or local municipalities were victims. The Unit works closely with the Rhode Island State Police, Division of Taxation, Department of Business Regulation, Department of Human Services, Department of Labor and Training, Board of Elections, Ethics Commission, Bar Counsel and Office of the Auditor General as well as federal agencies such as the United States Attorney, FBI, IRS, Social Security Administration and Department of Labor.

#### Traffic Safety Resource Prosecutor

Federally funded, the Traffic Safety Resource Prosecutor (TRSP) oversees the prosecution of all alcohol-related driving accidents, law enforcement training and community outreach for motor

vehicle issues, and assists the Department of Transportation with highway safety public policy and education initiatives.

In 2010, the TRSP developed and presented a number of motor vehicle-related training programs for law enforcement officers and city and town solicitors. Topics of the presentations included racial profiling and the motor vehicle stop, courtroom preparation, obtaining medical records in the prosecution of DWI cases, prosecution of the observation case, and how to obtain a warrant in a DWI death resulting cases, among others.

The Zero Fatalities Program is an underage drinking program held prior to prom and graduation season where high school juniors and seniors are brought to the prison to see firsthand the dangers of reckless conduct and drinking and driving. Last year, more than 300 students participated in the program.

The TRSP also assisted in the development of the Zero Fatalities Program (ZFP) with the Department of Transportation, Department of Corrections, Mothers Against Drunk Driving, and the Rhode Island Family Court. The ZFP is an underage drinking program held prior to prom and graduation season where high school juniors and seniors are brought to the prison to see firsthand the dangers of reckless conduct and drinking and driving. Students hear from young inmates serving long jail sentences for DWI death

resulting cases and hear from the parents of young victims killed in DWI crashes.

The TRSP is involved in all stages of the prosecution of motor vehicle crash cases. One of the goals of the program is to have early involvement and provide assistance to law enforcement at the time of the crash. In this capacity, the Office of the Attorney General provides a great resource for police departments in their initial decision making process and in obtaining warrants for evidence in criminal cases. In 2010, the TRSP reviewed approximately 70 fatal and serious injury motor vehicle accident cases. If the offense rises to the level of criminal negligence, the TRSP prosecutes the cases for the Office of Attorney General.

			SUPERIOR	COURT CASI	SUPERIOR COURT CASE STATISTICS 2010	2010				
		FILED			DISPOSED		V	ACTIVE PENDING SC	ING SC	
COUNTY	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	MISD	FELONY	TOTAL	
KENT COUNTY	65	775	824	44	671	715	10	271	281	
NEWPORT COUNTY	54	354	408	64	365	429	10	88	86	
WASHINGTON COUNTY	26	499	525	31	488	519	8	100	108	
PROVIDENCE COUNTY	122	3915	4037	126	3886	4012	119	2154	2273	
STATEWIDE	251	5543	5794	265	5410	5675	147	2613	2760	
			A	AGE AT DISPOSITION	OSTTION					
	LESS THA	LESS THAN 90 DAYS	91-180 DAYS	DAYS	181-270 DAYS	DAYS	271-36	271-360 DAYS	OVER	OVER 360 DAYS
COUNTY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY	MISD	FELONY
KENT COUNTY	25	395	11	134	7	55	0	34	1	53
NEWPORT COUNTY	34	204	20	72	7	33	1	11	2	45
WASHINGTON COUNTY	15	263	11	116	3	45	1	25	1	39
PROVIDENCE COUNTY	22	1690	23	649	25	430	14	304	42	813
STATEWIDE	96	2552	99	971	42	563	16	374	46	950
			MANNER	OF DISPOSIT	MANNER OF DISPOSITIONS - FELONIES	TIES				
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER	TRIALS (Court)
KENT COUNTY	8	3	2	604	57	0	0	1	0	8
NEWPORT COUNTY	4	4	7	331	21	0	0	0	0	9
WASHINGTON COUNTY	5	9	5	407	59	0	1	1	0	11
PROVIDENCE COUNTY	30	18	10	3441	391	0	3	1	2	42
STATEWIDE	42	31	24	4783	534	0	4	3	2	67
		MA	MANNER OF DISPOSITION		- MISDEMEANOR APPEALS	R APPEALS				
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER	TRIALS (Court)
KENT COUNTY	2	1	3	25	13	0	1	0	0	3
NEWPORT COUNTY	0	0	10	34	20	0	0	0	0	0
WASHINGTON COUNTY	0	2	0	17	12	0	1	0	0	2
PROVIDENCE COUNTY	9	3	6	84	23	0	0	0	0	10
STATEWIDE	8	9	22	160	89	0	2	0	0	15
			MANNER OF DISPOSITION	<b>NOILISPOSITION</b>	- STATEWIDE TOTALS	TOTALS				
COUNTY	GUILTY	NOT GUILTY	NG/FILING	PLEA	DISM 48A	DISM JA	MISTRIAL	HUNG JURY	OTHER	TRIALS (Court)
KENT COUNTY	5	4	5	629	20	0	1	1	0	11
NEWPORT COUNTY	4	4	17	365	41	0	0	0	0	9
WASHINGTON COUNTY	5	8	5	424	77	0	2	1	0	13
PROVIDENCE COUNTY	36	21	19	3525	414	0	3	1	0	52
STATEWIDE	50	37	46	4943	602	0	9	3	2	82

# Appendix of Significant Civil and Criminal Cases and Investigations

# **Civil Division**

Sam and Tony M., et als v. Carcieri, et als

The Child Advocate, Childrens' Rights Organization and a local RI attorney filed a complaint with the United States District Court of the District of Rhode Island in the name of ten (10) children who are or were in the State's foster care system. Plaintiffs' counsel has sought to have the case certified as a class action on behalf of approximately 3,000 children in foster care. The Department of Attorney General is representing Governor Carcieri and the Directors of the Department of Children, Youth and Families and the Office of Health and Human Services. The Attorney General, in conjunction with legal counsel from DCYF, objected to class certification and filed a Motion to Dismiss the Amended Complaint. The Honorable Ronald Lagueux granted the State's Motion but the First Circuit Court of Appeals remanded the case back to District Court. The State's Motion to Dismiss on other grounds is now pending with the District Court.

#### **Antitrust Unit**

In re: Dynamic Ram Access Memory (DRAM) Litigation

This is a multistate matter where potential damages according to the States' experts are estimated to be in the millions of dollars. There are 36 states, including Rhode Island, participating as plaintiffs in this matter. A complaint was filed by the States' Attorneys General in the United States District Court for the Northern District of California.

This action arises from what United States Department of Justice (USDOJ) officials have called "one of the largest cartels ever discovered." Personal computers, servers, and workstations, among other products, include in their composition memory chips, a semiconductor known as DRAM (dynamic random access memory). DRAM holds temporary instructions and data available for quick access while the device is in use. Electronic products with DRAM are purchased by a variety of customers, such as individuals, businesses, schools and government bodies, both in this country and throughout much of the world.

Since the 1980's, DRAM production has been marked by rapid product innovation in manufacturing processes, resulting in enormous increases in the amount of information that a chip can store in the tiny circuits etched into its silicon surface. As new, higher density chip types are developed, they permit computers and other electronic devices to store vastly more information in an increasingly shrinking space.

In or around 1998, it is alleged that the defendant DRAM manufacturers began discussing and coordinating the prices they charged to the large computer manufacturers, commonly known as OEMs (Original Equipment Manufacturers), and to their customers.

In June, 2002, the USDOJ launched a criminal investigation. Although initially denying any culpability, Micron, agreed to cooperate with federal investigators, revealing the details of the conspiracy in exchange for amnesty from federal criminal charges. To date, four manufacturers –

Samsung, Hynix, Infineon and Elpida – and twelve individuals have been charged with, and have pleaded guilty to, criminal price-fixing as a result of the investigation, and they have paid fines in excess of \$730 million. The States, as purchasers of electronic products, are among the DRAM cartel's victims, as indeed are the States' end user consumers. Accordingly, the States brought this action on their own behalf, and on behalf of state agencies, political subdivisions, natural persons and/or businesses as warranted by federal and state laws, to recover damages, restitution, and/or disgorgement of the alleged illegal overages that consumers paid as a result of the DRAM manufacturers' price fixing. In addition to injunctive relief, the States also are seeking attorneys' fees, costs, and civil penalties under state and federal law.

The complaint alleges violations of the Sherman Act, 15 U.S.C. §1. It is filed under, and jurisdiction is conferred upon the U.S.D.C. for the Northern District of California by, the Clayton Act. The Plaintiff States also allege violations of state antitrust, consumer protection and/or unfair competition and related laws, and seek damages, restitution, civil penalties, and/or other equitable relief under those state laws.

The following cases are part of the DRAM litigation and have settled with the States:

#### State of California, et al. v. Samsung, et al. (DRAM)

The multistate group was prepared to litigate this matter, but settlement conferences with the Defendants were successful. Samsung has agreed, pending Court approval, to pay the States \$10 million and the private parties \$80 million.

#### State of California, et al. v. Winbond (DRAM)

The multistate group was preparing for litigation, however, the settlement conferences were successful and Winbond has agreed to pay the States \$4 million.

#### State of Rhode Island v. Glaxosmithkline (Remeron)

This multistate action concluded in 2008 through an AVC, however, there were some outstanding issues, including the proper distribution of residual funds. Each state is researching their unclaimed property statutes in an effort to find a solution to the disposal of the remaining funds in order to close this matter.

#### Philip Richardson, et al. v. Akzo Nobel, Inc., et al. (Vitamins II Antitrust Litigation)

This was a multistate investigation that resulted in a settlement with the vitamin industry that is similar to the Vitamins I settlement in 2000. The settlement provided for both injunctive and monetary relief. With respect to monetary relief, the State developed grant applications and provided a number of nonprofit and state agencies with these applications. With the help of the RIAG's Selection Committee, a distribution plan was developed, including a process to select the entities that qualified for a portion of the \$100,000 in settlement funds, through a cy pres distribution, available to this State.

Rhode Island's Distribution Plan was approved by the United States District Court for the District of Columbia in June 2010. The cy pres funds were distributed to the 10 qualifying non-profit entities in October 2010, after the Court denied all objections to the settlement.

#### **Charitable Trust**

#### William Norman Wood Prince, et al. v. Attorney General Patrick C. Lynch, et al

Petitioners sought to terminate a trust prior to the termination date set forth in the trust instrument. At the time of termination of the trust, 12.5% of the total assets are required to go to hospitals that qualify under the terms of the trust. The trust is valued at over \$450 million. In early 2008, all individually named beneficiaries negotiated a settlement agreement amongst themselves that would allow the trust to terminate before its 2019 termination date subject to court approval and a favorable private letter ruling from the IRS. Within the settlement agreement is a provision requiring the trustees to distribute 20% of the 12.5% requirement to hospitals in Rhode Island that qualify under the terms of the trust instrument. On October 27, 2008, Judge Silverstein issued a Decision granting early termination pursuant to the settlement agreement. In June 2009, the IRS issued a favorable private letter ruling. Since the favorable private letter ruling, the trustees have made partial distributions from the trust. The trust was terminated on December 31, 2010.

#### Bank of America v. Attorney General and RI Boy Scouts

Bank of America (trustee) filed a petition seeking reformation of a charitable trust. Specifically, Bank of America wished to give outright a parcel of land to the R.I. Boy Scouts. In pertinent part, the terms of the trust, created circa 1918 (effective 1930) provides that a parcel of land in Hopkinton, R.I. be held in trust for the R.I. Boy Scouts and that a building be erected on this parcel of land. The trust instrument provides that if the R.I. Boy Scouts ever becomes affiliated with a religious sect, then the trustee shall find a replacement organization to occupy the land. Given the terms of the trust, the Office of Attorney General expressed concerns with Bank of America and R.I. Boy Scouts about giving the land outright to the Scouts. An Order was entered in August 2010 and Bank of America was permitted to reform the charitable trust.

#### In Re: The Sarah Gibbs Trust

Petitioner, the Bishop of the Protestant Episcopal Diocese of Rhode Island and designated trustee, filed a petition to amend an 1844 charitable trust that failed to outline the appointment of successor trustees and to amend the trust instrument to reflect "modern trust language." The charitable intent of the trust, to benefit the Protestant Episcopal Church, was to remain unchanged. The petitioners also sought to clarify title to the land in Portsmouth, Rhode Island and to increase the number of trustees.

#### **Consumer Division**

#### State of Rhode Island v. DirectTV

This case was the result of a multi-state investigation with allegations that DirecTV violated the Deceptive Trade Practices Acts of various states with respect to its advertising and business practices. The Rhode Island Department of Attorney General received \$185,000 in restitution on behalf of the State of Rhode Island.

#### State of Rhode Island v. Dannon

This case was the result of a multi-state investigation regarding advertising claims that Dannon made with respect to the alleged health benefits of their health products, in particular with Activia, and the lack of scientific support for their assertions. Rhode Island received \$425,000 in monetary relief, in addition to the injunctive relief provided for in the AVC.

#### Multistate Investigation of Proposed Merger of Ticketmaster and Live Nation

This multistate investigation resulted from an initial investigation of the Hannah Montana concert ticket sales. The multistate group analyzed the economic impact of this merger in various markets in the United States. In conjunction with the United States Department of Justice, the multistate group is working to find a solution to any anticompetitive aspects of this merger.

#### Comcast/NBC-Universal Multistate Merger Investigation

This is an antitrust multistate investigation into the proposed merger of Comcast and NBC-Universal. The USDOJ, pursuant to statute, is conducting its own pre-merger investigation. The RIAG joined this group in February 2010.

#### <u>United Airlines/Continental Airlines Multistate Merger Investigation</u>

The RIAG joined this multistate investigation, in conjunction with the USDOJ's investigation, of the effects of this potential merger.

#### Southwest Airlines/Air Trans Multistate Merger Investigation

The RIAG joined this multistate investigation in September 2010, in conjunction with the USDOJ's investigation.

#### **Criminal Division**

#### State v. Catalano

David Catalano pleaded guilty to killing Clifford LeValley in a hit and run accident and for shooting and causing injuries to a North Kingstown Police Officer in May of 2009. Catalano was sentenced by Judge Gale to life plus 17 years, in accordance with legislation enacted in 2000 that imposes a mandatory life sentence if a police officer is injured by a person using a firearm when committing a crime of violence and also mandates that the sentence must run consecutively and not concurrently to any other sentence imposed.

#### State v. Clements

A Providence County Superior Court jury found Raymond Clements guilty of two counts of first-degree murder, one count of first-degree arson and one count of conspiracy for the 2007 murders of Amanda Sousa and Heather Jesus in Providence.

#### State v. Cook

James Cook, a former attorney, was convicted by a Superior Court jury of 22 counts, including charges of first and second-degree sexual assault, identity fraud and bestiality. Cook was later sentenced by Judge Clifton to a term of life imprisonment plus seven years for his perverted and remorseless sexual acts which took place over a span of several years. Cook had selected his victims in a very calculated way and then confirmed his depravity by videotaping his victims. A federal grand jury also charged the same defendant with six counts of production of child pornography and one count of possession of child pornography as a result of the joint-investigation led by Warwick Police, with assistance from the FBI.

#### State v. Cortorreal

Joel Cortorreal turned himself in to Providence Police following the issuance of a warrant for his arrest. Cortorreal, also known as Menor, was charged with one count of possession a firearm without a license. Due to the alleged ties with the Trinitarios, a Dominican prison gang formed on Rikers Island in the 1980s, this office requested the Court exceed bail guidelines and set bail at \$50,000 with surety. The investigation led to the arrests of Cortorreal, John Polanco, Jose Cabrera and Rafael Soriano who were all present at the gang's organizational meeting. The investigation that led to the arrests was conducted by the Safe Streets Task Force, which is comprised of personnel from the Attorney General's office, the U.S. Attorney's Office, FBI, ATF, Rhode Island State Police, Providence and Cranston Police and the RI National Guard.

#### State vs. Diaz

Defendant was convicted for the murder of his girlfriend in Pawtucket, which occurred in June of 2008. On June 9, 2010, the defendant received a life sentence on the count of second degree murder and a consecutive life sentence for the charge of committing a crime of violence with a firearm.

#### State v. DiStefano

Louise DiStefano admitted to having committed larcenies, pleading nolo to two separate cases encompassing a total of six counts of embezzlement and unlawful appropriation. DiStefano had worked as a secretary at Koolco Inc., a South Kingstown heating and air-conditioning company, at which she intercepted \$335,649 in payments from customers and deposited them into her own bank account. DiStefano also worked at Turning Pointe Therapeutic Riding, a Hopkinton-based nonprofit organization that assists children with disabilities, where she stole \$171,000 by pocketing the horse-boarding fees that clients had paid in cash. DiStefano was sentenced to 20 years with 5 years to serve at the ACI.

#### State v. Karl Ek

Defendant was 64 years old when he shot and killed his long time roommate, John Capuano, who was 45 years old at the time of his death. The defendant pleaded in January 2010 to second degree murder and the court imposed a sentence of 40 years to serve.

#### State v. Gadson

Nayquan Gadson was a violent member of the Clown Town Gang and lived in District 5. Gadson was apprehended for a brazen daylight robbery. While held for the robbery, Gadson escaped from the ACI and was apprehended a month later. A jury convicted Gadson after trial and the presiding judge sentenced Gadson to 30 years, 12 years to serve – Gadosn was tried with the community prosecutor's federal counterpart.

#### State v. Gagne

Sherrie Gagne pled nolo before Judge Kristin Rodgers to one count of embezzlement, uttering and publishing, and obstruction of justice. Gagne admitted that while working as the officer manager for a carpeting company, she fraudulently issued 91 checks, totaling \$237,363, from her employer's account to herself. She had admitted that she had deceived her employer by previously rerouting the business bank statements from the workplace to a post office box that she had opened. Gagne's

theft ultimately cost her employers the loss of their business. She was sentenced to 10 years, with 3 ½ years to serve and was ordered to make full restitution. In addition to these offenses, Gagne was then charged and admitted to obstructing justice by undertaking an elaborate scheme to delay the prosecution of her case by presenting to the Court false documentation which she showed that she would be receiving an inheritance that would allow her to pay back the money she had stolen and by making fraudulent telephone calls to the prosecutor during which she posed as an attorney.

#### State v. Gallop

As approximately 600 patrons were leaving Club Passion at closing time, Anthony Parrish of Boston and his friend Lance Holloman left the club and, on the street, encountered Gallop. Parrish and Gallop were members of rival Boston gangs. As Parrish and Holloman walked along the street outside the club, Gallop took a gun out of his pants and fired three to four shots. One bullet entered Parrish's back and punctured his heart. A second bullet hit an innocent bystander, London Hardy, who later recovered from his injuries. After a six-day trial and after deliberating for three hours, a Providence County Superior Court jury found Gallop guilty of the murder.

#### State v. Huffman

Markus Huffman, a former Providence Police Department patrolman was convicted for sexually assaulting a woman at and police substation while on duty. Huffman was sentenced to 60 years, with 40 years to serve at the ACI.

#### State v. Craig Huntley

Huntley was indicted on multiple counts relating to his operation of a motor vehicle on Corn Neck Road in Block Island in June of 2009 that led to the death of his passenger. Evidence from witnesses and crash reconstruction experts showed the defendant was operating on the wrong side of the road in excess of 70 MPH in a 25 MPH zone while negotiating a left bearing blind curve in the middle of the night. Defendant pleaded in May of 2010 and received a total sentence of 12 years, 6 years to serve with 6 years suspended/probation along with all the mandatory sanctions within the DUI statute.

#### State v. Henry Lamb

Lamb was indicted on multiple counts relating to his operation of a motorcycle at an excessive speed and losing control and striking a tree in Richmond, killing a female passenger. Defendant pleaded in June of 2010 and received a total sentence of 15 years, 7 years to serve with 8 years suspended/probation along with all the mandatory sanctions within the DUI statute.

#### State v. Lapierre

James Lapierre was convicted and sentenced to a term of 50 years, with 25 years to serve, at the ACI, and 25 years suspended with probation, on three counts of first-degree child molestation and three counts of second-degree child molestation. Lapierre molested the victim from January 1996 to December 1999, from the time she was 7 until the time she was 10.

#### State v. Musterd

Gerrit Musterd, also known as Jose Manuel Almeida Rodriguez, shot Michael Benson twice behind the left ear in exchange for \$5,000. Benson was found in a car containing six pounds of marijuana in Pawtucket. Under questioning by Pawtucket Police, Musterd admitted to murdering Benson. He was found guilty of the murder after a five-day trial.

#### State v. Ospina

Defendant pleaded nolo contendre to one count of second degree murder resulting from the stabbing death of her boyfriend in Pawtucket on February 1, 2008. On February 23, 2010 the defendant was sentenced to a 45 year term, 20 to serve.

#### State vs. Paiva

The defendant, Richard Paiva, pleaded nolo contendre to murder/domestic assault on September 23, 2010 and received a life sentence and an order not to contact the victim's relatives. In addition, defendant received a consecutive sentence of 15 years to serve as a habitual offender. Of the additional 15, ten years are non-parolable.

#### State v. Laura Reale

The defendant, who was a habitual driving offender, was charged in the indictment with one count of reckless driving/death resulting based upon her conduct of driving through a red light and striking Colin Foote on his motorcycle as his mother and brother watched from another vehicle. Reale was sentenced by Judge Gale in December of 2010, after pleading open-ended, to a total sentence of 10 years, 8 years to serve, 2 years suspended/probation.

#### State v. Luigi Ricci

Ricci, a career criminal with an extensive record of violence, was charged with committing first degree robbery and felony assault upon an elderly resident of North Kingstown during what was described as a home invasion. After being convicted by a jury after trial in September of 2010, the defendant was declared to be a habitual offender by the court and sentenced to a total of 30 years to serve at the ACI.

#### State v. Jamieson Rushlow

After having been found guilty by a jury of First Degree Sexual Assault, on March 30, 2010, Jamieson Rushlow was sentenced to 35 years with 15 years to serve, 20 years suspended probation, substance abuse counseling, and a no-contact order with the victim.

#### State v. Soares

Defendant pled Nolo Contendre to two counts of first degree murder resulting from the July 2008 incident in which he bludgeoned and secreted the bodies in the family's backyard. As a result of his plea, the defendant received two consecutive life sentences.

#### State v. Janssye Toucet

Janssye Toucet was designated as one of the most violent offenders in the District 5 Intiative. Toucet was also a known member of the Hartford Park Gang. Toucet was apprehended with a firearm while on probation for a previous drug case. When he was apprehended, Toucet told

federal authorities that he was the "baddest person on the streets" and that once released he would "get back into the game." In conjunction with federal authorities, Toucet was prosecuted as a probation violator and was sentenced to 10 years in prison, nine years to serve.

#### State v. Chum and Tep

Yara Chum and Samnang Tep were known and violent members of the Young Bloods Gang. Chum and Tep were apprehended for a gang-related retaliatory shooting. A jury convicted Chum and Tep after trial and the presiding judge sentenced both to 20 years, 15 years to serve.

#### **Appellate Division**

#### State v. Flores

The court sustained the State of Rhode Island's appeal of the Superior Court's order suppressing cocaine found following a stop of his automobile; the Court holding that the Providence Police did indeed have probable cause to justify the search of a compartment within reach of the defendant.

#### State v. King

The court affirmed in all respects the conviction of the defendant, for his responsibility in the horrific Providence murder of the two-year old boy in his custody in August 2005.

#### State v. Marmolejos

Rhode Island Supreme Court affirmed an appeal from the defendant's conviction of assault with a dangerous weapon and using a firearm while committing a crime of violence, rejecting Mr. Marmolejos' contention that the State should not have been permitted to use at trial a certain photo array containing the defendant's photograph.

#### State v. Miguel

The Court affirmed the first degree child molestation conviction of the juvenile respondent, over his appellate claim that the Family Court had improperly precluded certain defense witnesses from taking the stand in respondent's case.

#### State v. Reyes

Rhode Island Supreme Court affirmed the second-degree murder conviction of the defendant, who shot and killed Angel Martines outside of a Providence night club during the early morning hours of November 26, 2000.

#### State v. Rios

The court rejected the contention of the defendant, convicted of murdering and kidnapping William Sanchez on account of an allegedly unpaid drug debt, that a new trial should have been awarded on the ground that certain immaterial and prejudicial evidence was admitted at his January 2006 trial.

#### State v. Rivera

The Court affirmed the conviction of the defendant, a bus driver employed by the Ride division of the Rhode Island Public Transit Authority (RIPTA), for having committed a number of sexual assaults upon a developmentally disabled woman, rejecting the argument of the defendant on

appeal that the developmentally disabled victim should have been deemed, by the trial court, incompetent to testify.

#### State v. Santos

The court, rejecting the argument that the administration of a blood-alcohol-level test by hospital personnel violated Defendants constitutional rights, affirmed the defendant's driving-under-the-influence death resulting conviction.

#### State v. Scanlon

Rhode Island Supreme Court affirmed the defendant's conviction of having committed a brutal sexual assault upon a young woman in Woonsocket.

#### State v. Shelton

Rhode Island Supreme Court affirmed Alonzo Shelton's conviction of having, in Pawtucket furing the early morning hours of Jul 27, 2006, murdered Jessica Imran and attempted to murder Julie Lang, in order to prevent Ms. Lang from testifying against him in a pending criminal matter.

#### State v. Washington

The court turned away the post-conviction relief appeal of Jeffrey Washington, who had alleged ineffective assistance of trial counsel in connection with his May 1989 conviction of having committed the first degree felony murder of an elderly, double amputee woman in Providence on Christmas Day in 1987.

#### State v. Cote, Curtis and DiLibero

Rhode Island Supreme Court adopted the argument advanced by the State with respect to the construction of certain good time and parole statuses.

# **Investigations & Wiretaps**

#### **Operation Deception**

In 2010, Narcotics and Organized Crime Unit (NOCU) continued to use electronic surveillance as a method to identify and immobilize alleged narcotics traffickers and organized crime figures making applications to the Superior Court Presiding Justice for permission to intercept oral, electronic and/or wire communications. Electronic surveillance was instrumental in one particularly notable narcotics case that began in 2009 and concluded in 2010 – an effort dubbed "Operation Deception." The investigation focused on the illegal trafficking of cocaine in the Providence area. This illegal narcotics organization was aided by information and participation of Providence Police Officers.

#### Joseph Tiberi

Another wiretap investigation was run by a Special Assistant Attorney General. The State Police, the Drug Enforcement Agency and NOCU conducted a wiretap investigation targeting Joseph Tiberi, who is alleged to have been running an illegal narcotics organization. The prosecution of that case is still ongoing.

#### FBI Drug Investigation

Joint Attorney General, Rhode Island State Police

After a four month investigation by the Attorney General, the Rhode Island Police and Federal Bureau of Investigation, six suspects, including three members of the Providence Police Department, were arrested on drug offenses, known as Operation Deception. The arrests were the result of many hours of physical surveillance and the monitoring of four electronic interceptions. These arrests marked yet another stark reminder that no one is above the law and that a police officer who breaks the law makes the job of the many honest officers even more difficult.



# Money Saved or Generated for Rhode Island Taxpayers Through Efforts of the Office of Attorney General

ACTION	\$\$ SAVED/GENERATED
Obtained RI's payments from MSA with tobacco industry	\$45,812,110
Advocated for RI utility consumers at PUC rate cases in the areas of gas, municipal water and sewer	\$57,000,000
Savings from workers comp insurance rate increases	\$2,700,000
Court ordered restitution for victims of contractor fraud	\$438,000
Prosecuted cases and secured court-ordered restitution for victims of white collar crimes	\$3,500,000
Court ordered restitution through the Diversion Unit and total value of hours volunteered by individuals participating in the program	\$164,000
Funds returned to the state's Medicaid program through settlement agreements with major pharmaceutical companies	\$1,870,000
Secured restitution and settlements by enforcing federal antitrust laws	\$107,700
Secured restricted receipt funds to offset budgeted expenses	\$1,051,750
Secured federal funding to offset budgeted expenditure	\$1,297,016
Value of property recovered through the Precious Metals division	\$71,495
Collected annual Insurance Assessment	\$398,316
Resolved individual consumer complaints, resulting in monies returned to cor	sumers\$179,688
Miscellaneous BCI collections	\$283,958
Cash and property forfeited to fund narcotics investigations and drug abuse prevention programs	\$956,461
Miscellaneous civil fines, restitution, and registration fees	\$124,313
Total Returned, Saved, or Generated	\$115,954,807

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